

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

NETHERWORLD HAUNTED
ATTRACTIONS, LLC,

Plaintiff,

v.

DONAT INSURANCE SERVICES,
LLC, KINSALE INSURANCE
COMPANY, and LEIGH ADAMCZAK

Defendants.

CIVIL ACTION FILE NO.:

NOTICE OF REMOVAL

COMES NOW Kinsale Insurance Company (“Kinsale”), and respectfully provides the Court with the following facts as grounds for removal pursuant to 28 U.S.C. §§ 1441 and 1446:

1.

Plaintiff Netherworld Haunted Attractions, LLC (“Plaintiff”) filed its lawsuit naming Donat Insurance Services, LLC (“Donat”), Kinsale, and Leigh Adamczak (“Ms. Adamczak”) as defendants in *Netherworld Haunted Attractions, LLC v. Donat Insurance Services, LLC, Kinsale Insurance Company, and Leigh Adamczak*, Civil Action File No. 22-A-10815-7, before the Superior Court of Gwinnett County. Gwinnett County is within the Atlanta Division of this Court.

2.

As alleged in Paragraph ¶ 1 of Plaintiff's Complaint, Netherworld is a Georgia corporation with a principal place of business in Gwinnet County, Georgia.

3.

Kinsale is an Arkansas corporation with its principal place of business in Virginia. Kinsale is a surplus lines insurer in Georgia. For purposes of diversity, Kinsale is deemed a citizen of Arkansas. There is complete diversity of citizenship between Plaintiff and Kinsale.

4.

Donat is a corporation organized under the laws of the State of Wisconsin with its principal place of business in New Lisbon, Wisconsin. For purposes of diversity, Donat is deemed a citizen of Wisconsin. There is complete diversity of citizenship between Plaintiff and Donat. According to the records of the Superior Court of Gwinnett County, no service is yet indicated on Donat and therefore the consent of Donat to removal is not required. See *Busby v. Capital One, N.A.*, 932 F.Supp.2d 114, 128 (2013).

5.

Ms. Adamczak is an individual believed to reside at 7185 East Main Street, Unit 1697, Reynoldsburg, Franklin County, Ohio 43068. For purposes of diversity, Ms. Adamczak is deemed a citizen of Ohio. There is diversity of citizenship between

Plaintiff and Ms. Adamczak. According to the records of the Superior Court of Gwinnett County, no service is yet indicated on Ms. Adamczak and therefore the consent of Ms. Adamczak to removal is not required. See *Busby v. Capital One, N.A.*, 932 F.Supp.2d 114, 128 (2013).

6.

Pursuant to 28 U.S.C. § 1332(a), “The district court shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests or costs, and is between – (1) citizens of different states . . .” In the Complaint filed in the Superior Court of Gwinnett County, Netherworld alleges “damages in an amount believed to be not less than Ninety-Nine Thousand and no/100 Dollars (\$99,000.00).” Accordingly, the amount in controversy exceeds \$75,000.

7.

Pursuant to 28 U.S.C. § 1441(a), any civil action over which the federal courts have original jurisdiction, but which is brought in state court, may be removed to the district court of the United States that embraces the place where such action is pending. This removal is to the district court of the United States for the district and division that includes Gwinnett County, Georgia, the place where the state court action is pending.

8.

This Notice of Removal is being filed within 30 days after service upon Kinsale. Accordingly, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

9.

Pursuant to 28 U.S.C. § 1446(a), a true and legible copy of all process, pleadings, and orders served in the superior court action as of this date are attached hereto as **Exhibit “A.”**

10.

A Notice of Filing of Notice of Removal is being filed with the clerk of the Superior Court of Gwinnett County, Georgia, and is being served on plaintiff’s counsel as required by 28 U.S.C. § 1446(d). A copy (without attachments) of the Notice of Filing of Notice of Removal filed in the Superior Court Action is attached hereto as **Exhibit “B.”**

11.

Kinsale has attached hereto copies of all pleadings Kinsale has served in this case as **Exhibit “C.”**

12.

Kinsale has given written notice of filing of this petition to Plaintiff as set forth in the certificate of service attached to this motion.

WHEREFORE, Kinsale respectfully requests that this Notice of Removal be accepted and that the state court action be removed to the United States District Court for the Northern District of Georgia (Atlanta Division).

Respectfully submitted this 20th day of February, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served a copy of the foregoing **NOTICE OF REMOVAL** via the CM/ECF Electronic Filing System, which will automatically send notification of such filing to all counsel of record who are CM/ECF participants, and via electronic mail as follows:

Steven Strelzik
LAW OFFICES OF STEVEN J. STRELZIK, P.C.
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This 20th day of February, 2023.

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